

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Dakota Valley School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Mary Borgman, Team Leader; Bev Petersen, Rita Pettigrew, Chris Sargent, and Linda Shirley; Team Members

Dates of On Site Visit: February 14th and 15th, 2012

Date of Report: March 26, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full s

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

Corrective Action:

<p><u>Prong 1: Correct each individual case of noncompliance</u></p> <p>Through file reviews, the monitoring team found evaluation data did not consistently comply with current policy, procedures, and practice to support the eligibility category and/or services for students.</p>		
<p>Student:</p> <p>Student File # 1: The student was reevaluated in October and November, 2011, and determined to be a student with an Other Health Impairment (555). No Attention Deficit Hyperactivity Disorder (ADHD) diagnosis was found in the student's file and the behavior evaluation data did not support the disability as being educationally relevant. On the Determination for Eligibility/Continued Eligibility Form under the adverse effects was written, "... continues to struggle with some behaviors related to ADHD although these behaviors currently do not appear to be interfering</p>	<p>Required Action:</p> <p>Student # 1: The IEP team needs to review and determine what disability category this student may be eligible.</p>	<p>Data To Be Submitted:</p> <p>Student # 1: The District must submit copies of the:</p> <ol style="list-style-type: none"> 1. Prior Notice for the Meeting 2. Amended Determination of Eligibility/Continued Eligibility Form 3. Amended IEP for another disability category or dismissal from Special Education services.

<p>with his education performance as observed with the norm referenced assessments. ... is also demonstrating success in the general classroom without supports.”</p>		
<p>Student File # 3: The student was reported on the child count in the eligibility category of Deafness (545). In the student’s file, the Prior Notice stated the student had transferred to the district and was a student with a hearing impairment, had a cochlear implant, and wore a hearing aid. On a Prior Notice, it stated the district would complete an evaluation to determine the student’s needs; however, no hearing impairment documentation was pulled forward. A front page of an eligibility document dated 11-17-09 with the evaluation scores was found in the student’s file. There were no other pages of the form. During the evaluation, another Prior Notice for Consent was completed for the SD School for the Deaf to evaluate the student. Another eligibility form front page dated 2-10-10 stated the SDSD report was attached. The previous evaluation data completed by the District from was not pulled forward and documented. The Eligibility Form did not address the adverse effect on the student’s educational performance on the first page and no other pages of the form were attached to indicate the IEP team determined the student met the eligibility criteria for Deafness. There were no skill based assessments.</p>	<p>Student # 3: The District must complete skill-based assessments and a report. The IEP team must meet to review the skill based assessment reports, consolidate the District’s and SDSD evaluation data, complete a Determination of Eligibility/Continued Eligibility document, and amend the student’s current IEP Present Levels of Academic Achievement and Functional Performance (PLAAFPs) and annual goals.</p>	<p>Student # 3: The District will submit copies of the:</p> <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessments 2. Skill-based assessment report 3. Prior Notice for the Meeting 4. Determination of Eligibility/Continued Eligibility document 5. Amended IEP
<p>Student File # 12: On the child count, the student was reported under the Specific Learning Disability eligibility category (525) in the area of Reading Fluency. The student’s IEP did not have a reading fluency annual goal. Annual goals were written for math calculation, written expression, and homework completion. There were no skill-based assessments.</p>	<p>Student # 12: The District must complete skill-based assessments and a report. The IEP team must meet to discuss the skill based assessment report and amend the student’s current IEP PLAAFPs and annual goals.</p>	<p>Student # 12: The District will submit copies of the:</p> <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessments 2. Skill-based assessment report 3. Prior Notice for the Meeting 4. Determination of Eligibility/Continued Eligibility document 5. Amended IEP

Timeline For Completion: May 11, 2012 for Student Files # 1, 3, and 12

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:24:01. Referral. Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following:

- (1) Referral through screening;
- (2) Referral by classroom teacher;
- (3) Referral by other district personnel;
- (4) Referral by other public or private agencies; and
- (5) Referral by private schools, including religious schools.

ARSD 24:05:24:02. Duties of a district after referral. Upon receiving a referral the school district shall conduct an informal review or may proceed with the evaluation process. An informal review includes a conference, if appropriate and necessary, either in person or by telephone, with the person making the referral and a review of the student's school record.

ARSD 24:05:24:04. Documentation of referrals not evaluated. All referrals of students that do not result in evaluation must be documented by the district.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Though interviews with Special Education teachers, Early Childhood Instructors, and Speech/Language Therapists, it was learned the district does not use the referral procedure to bring a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education or then conduct an informal review with the person making the referral.

Student:	Required Action:	Data To Be Submitted:
Student File # 2: The referral procedure was not complied with for the student evaluated for an Articulation Disorder.	Student # 2: Individual correction of noncompliance cannot be corrected. The District needs to review policy, procedure, and practice of the referral procedure to ensure the district administrator, the student's parents,	Student # 2: Refer to Prong 2

	and the individual, if not the parent, that made the referral has been submitted and conduct an informal review.	
Student File # 7: The referral procedure was not followed for the student evaluated in the areas of Articulation and Developmental Delay.	Student # 7: Individual correction of noncompliance cannot be corrected. The District needs to review policy, procedure, and practice of the referral procedure to ensure the district administrator, the student's parents, and the individual, if not the parent, that made the referral has been submitted and conduct an informal review.	Student # 7: Refer to Prong 2
Student File # 12: The referral procedure was completed for the student evaluated for a Specific Learning Disability.	Student # 12: Individual correction of noncompliance cannot be corrected. The District needs to review policy, procedure, and practice of the referral procedure to ensure the district administrator, the student's parents, and the individual, if not the parent, are aware a referral has been submitted and conduct an informal review.	Student # 12: Refer to Prong 2
Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.		
Required Action: The District must comply with the Referral policy, procedure, and practice to ensure the process meets requirements.		
Data To Be Submitted: The District must submit copies of Referral documents for all students, including Referral documents of students not evaluated.		
Target Date for Completion: January 3, 2013		
All non-compliance must be corrected within 1 year of this report date.		

Date:
Status Report:

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:30:04. Prior notice. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

ARSD 24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

ARSD 24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

- (1) Review existing evaluation data on the child, including:
 - (a) Evaluations and information provided by the parents of the child;
 - (b) Current classroom-based local or state assessments and observations; and
 - (c) Observations by teachers and related services providers; and
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of academic achievement and related developmental needs of the student; and
 - (c) Whether the student needs special education and related services.

The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

In the review of files, the monitoring team found the Prior Notice for Consent document was not consistently used to inform the parent/guardian of all areas to be assessed, testing required for the disability being evaluated, or that previous medical and/or evaluation data would be used during the current evaluation.

Student:	Required Action:	Data To Be Submitted:
Student File # 2: The student was on the child count under the Speech Impairment eligibility category (550); however, a skill based articulation assessment was not completed.	Student # 2: The District must complete a skill based assessment and report written indicating the student's strengths and needs. An IEP meeting must be held to review the skill based report, as well as amend the IEP PLAAFPs and annual goals.	Student # 2: Submit a copy of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessment 2. Skill based assessment report 3. Prior Notice for the Meeting 4. Amended IEP
Student File # 5: On the child count, the student was listed under the Autism category (560). The Prior Notice for Consent did not state an adaptive behavior assessment would be given and one was not given. The assessment is required as part of the comprehensive evaluation for a student suspected of having an Autism disability. There were no skill based assessments.	Student # 5: The District must initiate a Prior Notice for Consent to complete adaptive behavior and skill based assessments in the areas of autism, adaptive behavior, achievement, and language. A report needs to be developed that includes the student's adaptive behavior assessment, with the inclusion of the skill-based assessment strengths and needs in all areas evaluated. An IEP meeting must be held to amend the PLAAFPs and annual goals.	Student # 5: Submit a copy of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessments 2. Adaptive behavior evaluation report 3. Skill based assessment report(s) 4. Prior Notice for the Meeting 5. Amended IEP
Student File # 8: On the child count, the student was listed under the Speech Impairment eligibility category (550); however, a skill-based articulation assessment was not completed.	Student # 8: The District must complete an articulation skill based assessment. A report indicating the student's strengths and needs shall be written. An IEP meeting must be held to review the skill based report and amend the PLAAFPs and annual goals.	Student # 8: Submit a copy of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessment 2. Skill based assessment report 3. Prior Notice for the Meeting 4. Amended IEP

Student File # 10: This student was on the child count under the Autism eligibility category. There were no skill based assessments for adaptive behavior or autism.	Student # 10: An adaptive behavior and autism skill based assessment must be completed by the District and the student's strengths and needs written in a report. An IEP meeting must be held to amend the PLAAFPs and annual goals.	Student # 10: Submit a copy of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessments 2. Skill based assessment report 3. Prior Notice for the Meeting 4. Amended IEP
Student File # 11: The child count listed this student as having a Cognitive Impairment (510) and receiving the related service of Physical Therapy. There was no skill based gross motor assessment.	Student # 11: A gross motor skill based assessment must be completed by the District and the student's strengths and needs written in a report. An IEP meeting must be held to amend the PLAAFPs and annual goals.	Student # 11: Submit a copy of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for skill based assessment 2. Skill based assessment report 3. Prior Notice for the Meeting 4. Amended IEP
Student File # 13: The student was reported on the child count under the category of Orthopedic Impairment (535). The Prior Notice for Consent did not indicate gross motor and fine motor would be assessed, or state the student's medical data and previous ability assessment results were going to be pulled forward. The student's evaluation reports included motor assessments, as well as previous medical data and ability results. In addition, a language assessment was given; however, the file only had the language protocols, not a language report. There was no documentation in either the gross or fine motor reports of skill-based assessments.	Student # 13: The District must give gross and fine motor skill based assessments and write reports pertaining to the student's motor skill strengths and needs. A language report must also be written with inclusion of the standardized scores and skill based assessment strengths and needs. An IEP meeting must be held to amend the PLAAFPs and annual goals.	Student # 13: Submit copies of the: <ol style="list-style-type: none"> 1. Prior Notice for Consent for assessments 2. Gross and fine motor skill based assessment report(s) 3. Language report 4. Prior Notice for the Meeting 5. Amended IEP
Timeline For Completion: October 1, 2012 for Student Files # 2, 5, 8, 10, 11, and 13		
Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.		
Required Action: The District must consistently provide a Prior Notice for Consent with all areas listed that will be evaluated and indicate if previous medical and/or evaluation data will be used during the current evaluation.		

Data To Be Submitted:

The District shall submit the following information for three students initially evaluated or reevaluated:

1. Prior Notice for Consent
2. Standardized and skill-based evaluation reports
3. Prior Notice for the Meeting
4. Determination of Eligibility/Continued Eligibility document
5. IEP, if applicable

Target Date for Completion: January 3, 2013

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report:

4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ASRD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - (b) Meet each of the student's other educational needs that result from the student's disability

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - (a) The student cannot participate in the regular assessment; and
 - (b) The particular alternate assessment selected is appropriate for the student;
- (6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;
- (7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- (8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:
 - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and
- (9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

Corrective Action:**Prong 1: Correct each individual case of noncompliance**

Through the review of student files, the monitoring team found the IEP and services were not consistently meet the educational needs that resulted from the student's disability to provide educational benefit.

Student:	Required Action:	Data To Be Submitted:
Student File # 4: This student was found eligible under Other Health Impairment (555); however, the IEP Special Education Services did not state the number of minutes per day the student would receive services for (1) organization and (2) written expression. In addition, the justification statement for the student did not address instructional needs stating, "... will participate in all academic and nonacademic activities with non-disabled children in the regular class. ... will receive support from the Resource Staff in the areas of written expression and study/organizational skills."	Student # 4: The District will hold an IEP meeting to amend the student's services/minutes and justification to address the student's educational needs to provide educational benefit.	Student # 4: The District will submit copies of: <ol style="list-style-type: none"> 1. Prior Notice for the meeting 2. An amended IEP
Student File # 5: For a student on child count under the Autism disability category (560), the services and minutes were not addressed for each area written in the goals.	Student File # 5: The District will hold an IEP meeting to amend the student's services and minutes to address each area written in the student's goals.	Student File # 5: Refer to 3. General Supervision for this student and also submit the required action from this section
Student File # 11: A student identified on the child count as having a Cognitive Impairment (510) and the related service of Speech/Language Therapy, but the IEP services did not separately describe each area or the minutes of direct instruction. In the Comments section of the IEP under Special Education and Related Services it stated, "Direct instruction in reading, math, and writing/LA," and, "Direct Speech Therapy in small group or individual setting." In addition, the "Accept/Reject" format was not used in the Justification statement. The justification stated, "The team selected the resource room as the best placement for"	Student # 11: The District must hold an IEP meeting to amend the student's services in each area addressed in the goals and write a justification statement using the "Accept/Reject" format for placement and explaining the student's need for services.	Student # 11: The District will submit copies of: <ol style="list-style-type: none"> 1. Prior Notice for the meeting 2. An amended IEP

Student File # 13: The IEP direct services for the student on child count having an Orthopedic Impairment (535) did not address each specific service or minutes, "... receives reading, physical therapy and academic help in the resource room." The direct service minutes stated 50.	Student # 13: The District must hold an IEP meeting to amend the student's services and minutes to address each skill area written in the student's goals.	Student # 13: Refer to 3. General Supervision for this student and also submit the required action from this section
Timeline For Completion: October 1, 2012 for Student Files # 4, 5, 11, and 13		
Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.		
Required Action: The district must review current policy, procedure, and practice to ensure each student's IEP has all the required content for the student's educational benefit.		
Data To Be Submitted: The District must submit an IEP from each Special Education teacher.		
Target Date for Completion: January 3, 2013		
All non-compliance must be corrected within 1 year of this report date.		
Date: Status Report:		

STATE PERFORMANCE INDICATORS:

Indicator 8: Parent involvement: Percent of parents with a child receiving special Education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

State Target 64.2 or higher

District Rate: 84.14%

District Response: Parent surveys are disseminated at IEP meetings and at parent/teacher conferences and completed by at their homes.

Indicator 3: Participation and Performance on Statewide Assessments: Participation and performance of children with disabilities subgroup in the statewide assessment.

Reading:

State Target: Grades K-8, 69% or higher

District Rate: 37.71%

District Response: The district will use interventions and strategies to raise the students proficiency using the ReadUp Program, text book cycle (discuss revamping 5-8 reading basals), provide professional development on differentiated instruction, and review students' accommodations and modifications.

Math:

State Target: Grades K-8, 72% or higher

District Rate: 47.46%

District Response: The district will provide professional learning time for math teachers to collaborate, discuss supplemental materials (geometry), and address gaps with standard G2.